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RUEHAK/AMEMBASSY ANKARA PRIORITY 3978
RUEHBJ/AMEMBASSY BEIJING PRIORITY 1795
RUEHKO/AMEMBASSY TOKYO PRIORITY 1662
RUEHIT/AMCONSUL ISTANBUL PRIORITY 2231
RUCNDT/USMISSION USUN NEW YORK PRIORITY 0822
RHMFISS/CDR USCENTCOM MACDILL AFB FL PRIORITY
RUEHVEN/USMISSION USOSCE PRIORITY 2661
RUEAIIA/CIA WASHDC PRIORITY
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RHEHNSC/NSC WASHDC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 ASHGABAT 000848

SIPDIS

STATE FOR SCA/CEN, DRL

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SUBJECT: TURKMENISTAN: MEMBER OF OLD INTELLIGENTSIA SITS
IN A MARY JAIL

Classified By: CDA RICHARD E. HOAGLAND: 1.4 (b), (d)

¶1. (C) SUMMARY: The son of a man imprisoned in fall 2006 on corruption charges has approached the Embassy for advice on how to get his father freed. The son has told the Embassy that the corruption charges against the father, who tried to found a political party in Turkmenistan in 1991, were falsified by a local Ministry of National Security (MNB) officer. In 2007, the son claimed that government authorities offered the family a deal to get the man freed from jail, but did not free him after the family agreed to the government's terms. At the son's request, the Embassy is seeking to connect him with the OSCE Center, which maintains a trained Turkmen lawyer on its staff to assist in such cases. The case appears to be an example of corrupt and abusive officials. END SUMMARY.

¶2. (C) On June 24 and 30, PolOff met with Shanazar Shaberdiyev, a young computer programmer from Bayramali (near Mary City), to discuss his father, who is in prison. His father, Nazarly Shaberdiyev, was a member of Turkmenistan's intelligentsia in the earliest 1990s when glasnost came to Turkmenistan but before the country's independence. In 1991, Nazarly Shaberdiyev and a group of professionals and academics founded the Democratic Party of Turkmenistan, a political movement based on essential democratic principles and freedoms. However, as the group was beginning to organize its activities, President Niyazov's supporters began harassing and prosecuting founding members of the group. Shaberdiyev's father was threatened with imprisonment if he did not cease his political activities. Viewing the threats as real, Nazarly Shaberdiyev ceased his participation in the group and focused on establishing a private family computer business in Mary. (NOTE: The gutted political movement was likely hijacked a short time later by Niyazov supporters, who then appropriated the name for the ruling Democratic Party of Turkmenistan (the former Communist Party), which continues to operate to this day. END NOTE.)

SHABERDIYEV BECOMES A COMPUTER REPAIRMAN

¶3. (C) Shaberdiyev's computer business thrived, and even became the primary source of computer support and repair for many government offices, including the regional MNB. The

family lived quietly until about July 2006, when an MNB officer who regularly brought business to the shop insisted that the Shaberdiyevs hire his daughter as an employee, even offering to pay them for the position. However, the Shaberdiyevs did not want to hire the girl, and rejected the request. The MNB officer was perturbed, and began looking into the elder Shaberdiyev's background, eventually discovering that he had been involved in a political opposition group. The younger Shaberdiyev said that at the time his father was involved in the group, such activity was legal.

MNB OFFICER ACCUSES SHABERDIYEV OF CORRUPTION

14. (C) The younger Shaberdiyev said that a short time later, the MNB officer brought charges against his father, accusing him of taking a bribe to hire the girl. During his father's trial in August or September 2006, the MNB presented four local witnesses, including the girl, who swore that the elder Shaberdiyev had taken the bribe. Although the lawyer had arranged for several witnesses to attest that something entirely different had happened, not one witness showed up at the trial. Shaberdiyev collected the signatures of 165 acquaintances and business colleagues of his father, vouching for his father's integrity. He then sent a letter petitioning for his father's freedom, along with the list of signatures, to President Niyazov. He received no response. The elder Shaberdiyev lost his case, and was sentenced to 14 years in the Mary prison.

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THE FAMILY ACCEPTS GOVERNMENT'S "DEAL"

15. (C) About a year after his father went to prison, the younger Shaberdiyev said he was approached by MNB officials who wanted to make a deal with him. They indicated that they would release his father from prison with one year served, if the family promised that it would never contact any foreign diplomats or international organizations about the father's case. The family struggled to decide whether to take the offer or not, but relented in late fall 2007 out of concern for the father's well-being. Shaberdiyev said he relayed the family's agreement to the officials in January 2008.

...WITH NO RESULTS

16. (C) Since then, however, there has been no news or communication regarding the father's release. Additionally, after the family had agreed to the deal, prison officials in Mary began demanding \$300 payments to assure the father's well-being and to possibly move him to a another facility. Thus far, the younger Shaberdiyev has paid prison officials twice in this way, but his father is still in the same Mary prison. He said he has been able to visit his father at the prison, and his father was generally in good health, but is with dangerous prisoners. The family's greatest concern was that one of them might harm the elder Shaberdiyev.

SHABERDIYEV SEEKS ADVICE

17. (C) Shanazar Shaberdiyev said he was asking for Post's assistance in determining the family's best course of action. He said the family's strongest desire is to clear his father's name through a re-trial or appeal of the case, but they do not believe they can successfully carry out an appeal in Mary, due to local government involvement in the case. He said the family wrote a letter in 2007 to the Procurator General's office in Ashgabat, asking for the case to be reviewed in the capital, but the Procurator General sent the request for case review back to the Mary court.

18. (C) COMMENT: The Embassy has no way of confirming the details of Shaberdiyev's tale. Corruption is endemic here, particularly among security officials and at the local level, and on the surface this case seems to be about corrupt and

abusive law-enforcement and judicial officials. The fact that the elder Shaberdiyev dabbled in politics 18 years ago seems almost immaterial, except as a pretext for abuse because of a personal grudge. Embassy will introduce Shaberdiyev to the OSCE Center's Human Dimension officer when he returns from vacation on July 14 in hopes that the OSCE Center's full-time attorney can assist Shaberdiyev in filing an appeal. In the meantime, Shaberdiyev has made clear his concern that any international media reporting on his father's case would not just hurt his father, but also the family, which has been warned not to meet with the international community. END COMMENT.
HOAGLAND